IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2209 OF 2005

Dr. Rajesh Kharat .. .. Petitioner

Versus

The University of Mumbai and Ors. .. .. Respondents

Mr. Mihir Desai for the Petitioner.

Mr. P.M. Palshikar for the Respondent No.1.

Mrs.Madhubala Kajale, Ld. Addl. Govt. Pleader for the State - Respondent Nos. 3 and 5.

CORAM : S.K. SHAH, J.

DATED : 4.10.2005.

P.C.-

1. Heard Learned Counsel appearing on both the sides.

2. This Petition is directed against the order passed by the Mumbai University and College Tribunal on 22.7.2005, whereby the Appeal was partly allowed, the order dated 8.2.2001, passed by the Vice Chancellor terminating the services of the Appellant /Petitioner was quashed and set aside and the order dated 8.2.2001, passed by the Learned Chancellor - Respondent No.2 directing the termination of the Appellant’s [Petitioner’s] appointment as a ’Reader in Politics’ was

maintained. The effect of the order was that the order termination of the services of the Petitioner 'as Reader in Politics' was upheld and he was reverted to the original post of Lecturer as he was on 19.11.1998.

3. I have gone through the order passed by the Learned Tribunal. The factual position is that when the applications for the 'Post of Readers' were invited, the Petitioner, undisputedly, was not possessing the requisite qualification of Ph.D. nor he had any Publication at his credit. The Petitioner was interviewed on 2.11.1998. It is at that time the Petitioner claimed to have Publication at his credit, which according to him, was published in October, 1998. In the interview the Petitioner was selected and then was appointed as 'Reader in Politics'. Subsequently, the Respondent No.4 challenged the appointment of the Petitioner as 'Reader in Politics' on the ground that the Petitioner did not possess the requisite qualification. Therefore, the enquiry was held and the appointment of the Petitioner as a 'Reader in Politics' was terminated. That was recommended to the Learned Chancellor and the Learned Chancellor upholding the termination of the Petitioner as 'Reader in Politics', reverted the Petitioner to the Post of Lecturer, which he held at the time of his appointment as 'Reader in Politics'.

4. It is observed by the Learned Tribunal that the Selection Committee had only considered the suitability of the

candidate for the post of 'Reader' and did not examine the qualifications. The fact that the Petitioner had Publication at his credit on the date of interview, obviously, could not have been considered by the Selection Committee. Therefore, even at the time of interview, the fact of Petitioner having requisite qualification for the post of 'Reader in Politics' was not examined by the Selection Committee. The Publication, in fact, was in 1999. The letter issued by the Publisher indicated the date of Publication as '20th October 1998' and it was a practice to put the year of Publication as '1999' on the Copyright page. This aspect is also not of importance as held by the Learned Tribunal for want of possessing requisite qualification, the Petitioner initially was not sent for interview but it was on the recommendation of the Head of the Department of Politics, he was sent for interview. This makes it clear that the qualification was taken into consideration before the Petitioner was sent for interview before the Selection Committee. All these aspects, therefore, goes against the Petitioner. In this view of the matter, I do not find any illegality in the order passed by the Learned Tribunal. The Writ Petition is, therefore, not entertainable. The same, therefore, deserves to be dismissed.

5. Writ Petition No. 2209 of 2005 is dismissed.

6. The Learned Counsel for the Petitioner prays for

continuing the interim order for further period of four weeks.

7. The interim relief to continue for a period of four weeks from today.

[S.K.SHAH, J.]